

the purpose of being able to catch something coming from that direction. Well, he took that out, and we stopped that.

There are other problems with that too because I remember when we were trying to sell Poland and the Czech Republic on the idea. They said: Are you sure now? If we agree and we make Russia angry at us by agreeing to have a ground-based interceptor in Poland and the radar in the Czech Republic, are you sure that some President is not going to come along and pull the rug out from under us?

I said: I am absolutely positive.

That is exactly what happened.

I only mention that because the radar site on the east coast certainly would not be effective by the time they are going to have that capability. Nonetheless, we are addressing it.

I am pleased that under Chairman LEVIN's leadership the committee was able to reach a compromise during the markup to address the scourge of sexual assault in the military. The Senate bill includes 16 provisions that are specifically targeted to improving the tools the Department, the services, and the commanders have at their disposal for fighting sexual assault. It includes an additional 12 provisions to make important improvements to the military justice system and the Uniform Code of Military Justice. This is a comprehensive, targeted legislative initiative that would address that. That is going to be controversial. I understand that.

I think a lot of us served in the military. It happens that I was in the military court many years before most of you guys were born. At that time the one thing I learned—and this was way back then—was that the commander's influence in discipline is necessary. We are all going to keep that in mind as we look at some of these amendments.

I look forward to bringing this to the floor as soon as we can, getting these controversial issues out of the way. I am hoping I will get favorable consideration on my amendment that is going to make it much less devastating to the military.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG QUALITY AND SECURITY ACT

Mr. ALEXANDER. Mr. President, this afternoon the Senate passed and sent to the President legislation that Tennesseans and Americans will welcome because it deals with the terrifying fungal meningitis outbreak that occurred more than a year ago that killed 16 Tennesseans and made many others sick.

The problem at that time was sterile compounded drugs that turned out not to be sterile. So when they were injected into patients for back pain or neck pain, those tainted drugs caused fungal meningitis and caused a number of Tennesseans to die and many others to become sick. Had it not been for the heroic efforts of the Tennessee State Department of Public Health, many others across the country may have been injected with that tainted medicine and become sick.

This is a very important piece of legislation which Senators and House Members have been working on for a year. I am glad it passed. I am sure the President will sign it. In our State, we know how personal this was. There is the story of Diana Reed from Brentwood, TN, who was the caregiver for her husband, who has Lou Gehrig's disease. She had neck pain—maybe because of helping him in and out of a wheelchair—went to the doctor, and got an injection for her neck pain. The next thing she knew, she had fungal meningitis and she died. Still, her husband with Lou Gehrig's disease lives on.

That story has been told in many States. We have been told by the Commissioner of the Food and Drug Administration that if we do not act, it will happen again. If we do not act, Commissioner Hamburg said, the question is not if but when there will be another tragedy. We have acted. No one should believe we can guarantee such a tragedy will never happen again, but for two reasons, it is much less likely we will have another tragedy like fungal meningitis as the result of contaminated drugs.

No. 1, we have cleared up the question of accountability. After this happened, and it was discovered that the tainted drugs came from the Massachusetts compounding pharmacy, there was a lot of finger pointing back and forth between the FDA and the State board about who should have been regulating this pharmacy, because there were other trouble signs. This never should have happened and would not have happened if they had been either properly regulated either by the State or the Federal agency, the FDA.

That often happens when there is not accountability, when it is not clear who is on the flagpole, as I like to say—when it is not clear who is in charge. We have used the example of Admiral Hyman Rickover, who was a Navy officer. In the 1950s, when he was assigned the job of the nuclear Navy, he told his captains two things: No. 1, you are in charge of the ship; and, No. 2, you are in charge of the reactor. If anything goes wrong with the nuclear reactor, your career is over.

As a result of that level of clear accountability, since the 1950s there has never been a death as a result of a reactor accident on one of our nuclear ships. This legislation creates that kind of accountability for compounded drugs.

It preserves the traditional role of States to regulate drugstores. Compounding is something almost every drugstore does. We have 60,000 of those, and that is an important job to the States. Most States do an excellent job.

It preserves the role of the Food and Drug Administration for manufacturers, those who manufacture large amounts of drugs which are prepared without an individual prescription. But it creates a new sort of facility which we call outsourcing facility. This facility is regulated by the FDA.

Two things have happened. One is either the FDA or the State is in charge of a compounding pharmacy. It will be one or the other. The second is there is a new outsourcing facility. A doctor or a hospital in Virginia or Tennessee may choose to buy all of its sterile drugs, for example, from a compounding pharmacy that is regulated by the FDA. It doesn't have to, but it may choose to do that.

We believe many will choose to do that, particularly with the sterile drugs that are sent across State lines without a prescription. This legislation affects the health and safety of millions of Americans.

There was a second part this legislation that was passed this afternoon that is equally as important and in some ways more far-reaching. We call it track and trace. That is the shorthand name for it. Four billion prescriptions are written every year.

What this legislation does is attach a serial number to each drug that is manufactured and follows it all the way from the drug manufacturer to the individual pharmacy. Why is that important. It is important so that one will know, if given a prescribed drug, that it works, is not counterfeit, and that it is safe. It will take several years to implement this, but the drugs that make the 4 billion prescriptions will now be able to be tracked and traced from the manufacturer to the pharmacy.

Many of our disputes are well advertised around the Senate. In fact, one could argue that is what we are for—the resolution of disputes. If there weren't a dispute, we probably wouldn't be here. We would work everything out at the city council, the Governor's office or somewhere else.

The big issues of the day stand here. Some of those are hard to resolve. ObamaCare is hard to resolve, fixing the debt is hard to resolve. We have very different points of view.

On this issue, which was difficult to do, we worked for more than 1 year on the compounding pharmacy bill and more than 2 years on the track-and-trace bill. It was very difficult to do. We were able to do it.

I commend Senator HARKIN, who is chairman of our committee, Senator FRANKEN, Senator ROBERTS, Senator BURR, Senator BENNET, and many other Members of the committee. We were able to involve many people in it and

come out with the unanimous recommendation of our committee, and it was unanimous today.

Just because it was unanimous, I don't want anyone to think it was easy. It was hard work. Because it was unanimous, I don't want anyone to think it is not important.

It is important in Tennessee to those 16 families who had a family member die. It is important to the dozens of families with a member of their family who is sick because of those injections. It is important to those families who may still become sick in our State and other States.

No. 1, it is important to know after this who is on the flagpole. It is either the FDA or the State agencies, and there will be no more finger pointing.

No. 2, any doctor or hospital that chooses to buy its sterile compounded drugs that are shipped interstate in large amounts without prescription from an FDA-related facility may do that.

This is a day of results in the Senate, which I am pleased to see.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. While the Senator is on the floor, I wish to thank my colleague from Tennessee for this legislation and the hard work he has done on it. Also, there was significant pain and difficulties experienced by his constituents in Tennessee. This is something that I think will benefit all Americans and a rare bipartisan occasion in the Senate, which we should all celebrate. I thank my colleague from Tennessee.

DEFENSE AUTHORIZATION

Mr. McCAIN. First, I obviously wish to join all of my colleagues in welcoming back our dear friend, the Senator from Oklahoma, JIM INHOFE. We know he has gone through a very terrible family tragedy, and our thoughts and prayers continue to be with him and the members of his family. We are very happy to see him return, working and leading on this very important aspect of our work, the National Defense Authorization Act.

Today I will have filed an amendment on behalf of Senator SESSIONS and myself—Senator SESSIONS, as we all know, is the ranking member of the Budget Committee—to try to address the issue of this terrible effect on our defense establishment as a result of sequestration. Rather than go into the background of why it happened, the fact is that now in 2012, 2013, and into 2014, we see a continued decline in funding for national defense and then a rise, as it is currently planned. This is current law.

Obviously, it is not a rational approach because our defense business and people in the Pentagon do not plan on a day-to-day or week-to-week or month-to-month basis.

What this amendment does is it preserves sequestration—which I am op-

posed to—but the fact remains that in order to try to ease the burden of sequestration on our military, this would smooth out this dip that has taken place over an 8-year period until the expiration of current law in 2021, and next year and the years after for 2014, 2015, 2016, and 2017 it would give increases in spending and then reductions in those outyears and still achieve the same reductions in spending as dictated by sequestration.

The reason I say this is because we are looking at a dramatic impact on our military if we allow spending to go down to that level for 2014 before we start climbing back up.

What is happening to our military today? It has a large impact, it is disgraceful, and it is harmful. In this very unsettled world we live in, we are seeing unprecedented reductions and impact on our national security that we have not seen since the end of the Vietnam war.

Two weeks ago the Armed Services Committee held a hearing to understand how the sequester had impacted the Department of Defense. We learned, according to the Chief of Staff of the Army, GEN Ray Odierno, that continued sequestration along this line will cause the Army to end, restructure or delay over 100 acquisition programs. The Army, already drawing down by 80,000 Active-Duty troops, will be forced to reduce and eliminate an additional 60,000. The Guard and Reserve would also be forced to remove tens of thousands of men and women from their ranks. It amounts to an almost 20-percent cut in troop strength over the next 5 years and will result in an Army that has tens of thousands fewer soldiers than it had in 2011. Unit training has been curtailed such that by the end of 2014, if we go down this scale, General Odierno forecasts that only 15 percent of Army brigade combat teams will be fully ready in the event of a contingency.

The Chief of Naval Operations, Admiral Greenert, testified that sequestration means the Navy will operate more sparsely across the globe and be less able to reassure our allies that U.S. interests around the world are properly served. The Navy is the most visible sign of America's strategic deterrent, and we are putting that deterrent at risk.

The Commandant of the Marine Corps, Gen. James Amos, said that because of sequestration, he was "mortgaging" long-term modernization to pay for keeping his marines trained and ready today, but he also said the plan is not sustainable. As equipment and facilities age, he won't be able to pay for their upkeep while simultaneously paying for training. What will give, unfortunately, is readiness.

As all the service chiefs testified, "readiness" means lives. The lower their readiness, the greater the risk to the lives of soldiers, sailors, airmen, and marines in the event of a deployment.

The Chief of Staff of the Air Force, Gen. Mark Welsh, told us that the Air Force had to ground 13 combat squadrons—had to ground 13 combat squadrons—because they lacked funding due to sequestration. Other squadrons' flying hours were cut in half. He warned that continued cuts to flying hours, which are a certainty under this present plan, will guarantee that many more squadrons will forego mission readiness in the coming years. General Welsh's least damaging plan to pay for sequestration is to cut some 25,000 airmen and 500 aircraft, almost 10 percent of the aircraft inventory.

Obviously, what is not reflected in these numbers is the impact on morale and retention. The Air Force is deeply concerned about the number of pilots it is losing to private industry. My colleagues may not know that there is a large exodus of airline pilots that will be leaving the airlines due to retirement in the next few years.

There is a recent story where a number of Air Force pilots were offered a bonus of \$225,000 to remain in the U.S. Air Force and most of them turned it down. Why are they turning it down? It is because they are not flying, and they are not sure whether they are going to be flying.

We are cutting their flying hours to the bone. We are grounding entire squadrons. We are harming the morale and readiness of our military today in all of the services.

I provide those examples, but as one Air Force leader said recently: "If you're not flying your aircraft because it's grounded, you might as well go fly something else."

I provide these examples because it is important for us to understand that our actions in Congress are presently and materially degrading our military's ability to defend the Nation and protect our interests abroad. This is not an abstraction, especially at a time when international threats and instability are growing and not lessening.

I acknowledge there is a fatigue after more than a decade of war. Cutting the defense budget seems an easy way to ameliorate the Nation's dire budget problems, but such thinking is wrong.

I remember the troop cuts and the budget reductions after Vietnam. I remember that it took us 15 years to restore the military to the proficiency, capability, and professionalism that we have today.

Defense represents less than 20 percent of total government spending. We could zero out the entire defense budget and would still, with the growth of entitlement spending and the prevalence of tax loopholes, not be able to reduce the Federal deficit.

I have worked with colleagues for 2 years trying to address this issue. I have toured the country with KELLY AYOTTE and LINDSEY GRAHAM and met with community and business leaders. I joined with our distinguished chairman CARL LEVIN and hosted a series of meetings with Senators to find common ground. None was to be found.